

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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ANNE CHANA HENKIN, individually and as personal
representative of the ESTATE OF JUDAH HERZEL
HENKIN, ADERET RIVKAH HENKIN STERN,
ELIASHIR ELIJAH HENKIN, JACOB BECHOR-
SHALOM HENKIN, JOSEPH GIL HENKIN, TAAMA
FREIDA HENKIN YAAKOVSON, MIRIAM FULD,
individually, as personal representative of the ESTATE OF
ARI YOEL FULD, and as natural guardian of N.S.F. (an
infant), NAOMI FULD, TAMAR GILA FULD, ELIEZAR
YAKIR FULD, HARVEY JONAS YONAH FULD,
MARY ALICE FULD, DANIEL YAAKOV FULD,
EYTAN FULD, HILLEL CHAIM and
SHLOMO FULD,

Case No. 1:21-cv-5716-AMD-VMS

Plaintiffs,

-against-

QATAR CHARITY, QATAR NATIONAL BANK and
MASRAF AL RAYAN,

Defendants.

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**DECLARATION OF SUSAN M. DAVIES IN SUPPORT OF
PLAINTIFFS' *EX PARTE* MOTION FOR ISSUANCE OF LETTERS ROGATORY**

Susan M. Davies declares under penalties of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney duly licensed to practice law in the State of New York and in this Court. I am of counsel to Fleischman Bonner & Rocco LLP, 81 Main Street, Suite 515, White Plains, New York 10601, co-counsel to the Plaintiffs in this action. I make this declaration in support of Plaintiffs' *Ex Parte* Motion for Issuance of Letters Rogatory for the purpose of effectuating service upon Defendants Qatar Charity, Qatar National Bank, and Masraf Al Rayan in the State of Qatar.

2. Annexed hereto as **Exhibit 1** is a true and correct copy of the Complaint filed in this action on October 13, 2021.

3. Annexed hereto as **Exhibit 2** are true and correct copies of the Amended Summonses directed to Defendants **Qatar Charity, Qatar National Bank, and Masraf Al Rayan** issued by the Clerk of this Court on November 1, 2021. Each of the Defendants is a corporate entity headquartered in Doha, in the State of Qatar.

4. According to the official website of the Hague Conference on Private International Law, which is a global, inter-governmental organization, the State of Qatar is not a signatory to the Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. *See* STATUS TABLE, HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW, <https://www.hcch.net/en/instruments/conventions/status-table/?cid=17> (last visited on November 5, 2021).

5. My firm represents other plaintiffs in two other law suits currently pending against the same Defendants in this District. *See Stuart Force, individually and as personal representative of the Estate of Taylor Force, et al. v. Qatar Charity, Qatar National Bank, and Masraf Al Rayan*, 1:20-cv-02578-BMC and *Chaim Dov Przewozman, et al. v. Qatar Charity, Qatar National Bank, and Masraf Al Rayan*, 1:20-cv-06088-NGG-RLM. Letters rogatory for service on the Defendants were issued in those two cases on, respectively, September 17, 2020 and January 5, 2021, and promptly delivered to the Office of Legal Affairs of the U.S. Department of State for transmittal to the Appropriate Judicial Authority of the State of Qatar. The U.S. Department of State has yet to notify Plaintiffs' counsel that service has been effectuated in either of these cases.

6. Annexed hereto as **Exhibit 6** is a copy of the U.S. Department of State's publication "Preparation of Letters Rogatory" which was retrieved from the official website of the U.S. Department of State at <https://travel.state.gov/content/travel/en/legal/travel-legal->

[considerations/internl-judicial-asst/obtaining-evidence/Preparation-Letters-Rogatory.html](#) on November 1, 2021. At page 2, this publication states that “Execution of letters rogatory may take a year or more.”

7. Because accomplishing service through letters rogatory in this action is likely to take as long as one year, simultaneously with the instant application Plaintiffs’ counsel has sought assistance from the Clerk of Court in effectuating service on the Defendants by mail pursuant to Federal Rule of Civil Procedure 4(f)(2)(C)(ii). That service is currently expected to be completed on or about November 9, 2021.

8. Annexed hereto as **Exhibit 3** is a proposed Request for International Judicial Assistance directed to the Appropriate Judicial Authority of the State of Qatar seeking assistance in effecting service of the Summons and Complaint on **Qatar Charity**. According to its LinkedIn profile at <https://www.linkedin.com/company/qatar-charity/> (visited on November 1, 2021), “Qatar Charity is a Doha-based non-governmental organization founded in 1992 in accordance with the laws and regulations governing charitable work in the State of Qatar.”

9. Annexed hereto as **Exhibit 4** is a proposed Request for International Judicial Assistance directed to the Appropriate Judicial Authority of the State of Qatar seeking assistance in effecting service of the Summons and Complaint on **Qatar National Bank** a/k/a QNB. According to the official website of Qatar National Bank at <https://www.qnb.com/sites/qnb/qnbglobal/page/en/enqnbprofile.html> (visited on November 1, 2021) Qatar National Bank is the largest bank in the Middle East and Africa region and is 50% publicly owned and 50% owned by the Qatar Investment Authority. According to its official website at <https://www.qia.qa/About/QIAGlance.aspx> (visited on November 1, 2021), the Qatar Investment Authority is the sovereign wealth fund of the State of Qatar.

10. Annexed hereto as **Exhibit 5** is a proposed Request for International Judicial Assistance directed to the Appropriate Judicial Authority of the State of Qatar seeking assistance in effecting service of the Summons and Complaint on **Masraf Al Rayan**. According to its official website at <https://www.alrayan.com/english/faq>, (visited on November 1, 2021), Masraf Al Rayan was incorporated in 2006 under Clause 68 of the Qatar Commercial Company Law 5 of 2002 and is licensed by Qatar Central Bank.

11. The U.S. Department of State advises that letters rogatory must bear the seal of the Court and a judge's signature. *See* Exhibit 6 hereto at 3. The documents to be serve pursuant to the letters rogatory must be exemplified copies.

12. There has been no prior request for the relief requested herein.

I declare under penalties of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed in New York, New York on November 5, 2021.

/s/ Susan M. Davies